

MEMORANDUM

TO: George Smith, U.S. Environmental Protection Agency

FROM: Susan Radomski, Eastern Research Group

DATE: November 24, 1997

SUBJECT: Final Summary of June 4, 1997, Incinerator Work Group Meeting

1.0 INTRODUCTION AND PURPOSE OF MEETING

The June 4 meeting was the eighth meeting of the Incinerator Work Group for the Industrial Combustion Coordinated Rulemaking (ICCR). The major goal of this meeting was to discuss and establish a list of tasks to further the progress of the subteams in determining the scope of the incinerator category to be presented to the Coordinating Committee at its July meeting. To achieve this goal, the Work Group received subteam status reports, discussed landfill gas emission data, and expressed concerns over the determination of a “solid waste” definition.

2.0 LOCATION AND DATE

This Work Group meeting was held from 9:00 am until 4:00 pm on June 4, 1997, at the U.S. EPA's Environmental Research Center in Research Triangle Park, North Carolina. A copy of the draft meeting agenda is included as attachment 1.

3.0 ATTENDERS

The Incinerator Work Group meeting was open to the public. Participants at the meeting included representatives of EPA, industry, State and local governments, and the environmental community. A copy of the attendance list for the meeting is included as attachment 2. A copy of the Incinerator Work Group membership may be obtained from the Incinerator Work Group section of the ICCR web page on the TTN.

4.0 DISCUSSION

After brief introductions, the Work Group received updates about new environmental representatives in the Process Heater Work Group, the information exchange presentations made at the May Coordinating Committee meeting, the formation of an ad hoc group tasked to develop a procedure for developing a “solid waste” definition, and the Coordinating Committee meeting in July. The Work Group then split into subteams to discuss scoping recommendations for the Coordinating Committee. After meeting, each subteam provided a brief status report on its progress. After receiving subteam reports, the Work Group heard a presentation on Landfill Regulations and Emission Data by Ed Wheless and Frank Caponi on behalf of the Solid Waste Association of North America (SWANA). Following the presentation, the Work Group discussed the data that had been presented and landfill gas scoping issues. Subteam 4 then gave a preview of the scoping presentation to be given at the Coordinating Committee meeting in July. These discussion topics are summarized in the sections that follow.

4.1 General Updates

Updates were provided about several issues, including the progress in defining “solid waste”, the information collection request, the information exchange meetings at the last Coordinating Committee Meeting, and upcoming Coordinating Committee meetings.

4.1.1 Defining “Solid Waste”

Jeff Shumaker, the Stakeholder Co-chair alternate and representative of the Work Group at the May 21 Coordinating Committee described the formation of an ad hoc group by the Coordinating Committee to recommend a procedure by which a definition for “solid waste” may be developed.

4.1.2 Information Collection Request (ICR)

George Smith stated that the ICR and its mailing list have been sent to the Government Printing Office. Mailout of the ICR is scheduled for June 6 with a requested return date of July 15. EPA’s goal is to have data entered into the ICCR database by the end of August.

4.1.3 Information Exchange

Jeff Shumaker discussed the American Petroleum Institute (API) presentation given at the May Coordinating Committee meeting. API presented the results of a three year study on HAPs from the combustion of natural gas and refinery gas. In addition, Mr. Shumaker stated that Fred Porter of EPA presented a MACT floor primer in which he explained the methods by which a MACT floor is developed. Notes from both of these presentations are available under the Meeting Notes section of the Coordinating Committee heading of the ICCR web page on the TTN.

4.1.4 Coordinating Committee Meetings

John Huyler reminded the Work Group of the next Coordinating Committee Meeting, which will take place on July 22 and 23 in Long Beach, California. At this meeting, the Incinerator Work Group will present scoping recommendations to the Coordinating Committee. Work Group members were encouraged to obtain a copy of the meeting agenda from the TTN.

4.2 Subteam Status Reports

At its March 11 meeting the Incinerator Work Group formed subteams to examine the incinerators in the ICCR database in a line-by-line fashion. These subteams were tasked to check the quality and accuracy of data in the database and to group incinerators into potential subcategories for analysis and regulation. At this meeting each subteam provided a progress report to the Work Group after meeting individually. All subteams have begun database queries to examine and categorize the incinerators in the ICCR database. Some subteams had also begun scoping recommendations that will be presented to the Coordinating Committee.

4.2.1 Subteam 1 Status Report

Subteam 1 is investigating human and animal crematories, pathological incinerators, and pharmaceutical incinerators. Sandra Birckhead of GlaxoWellcome described the subteam's progress. Ms. Birckhead mentioned that the subteam has begun to divide the units in the database into crematory, pathological, and pharmaceutical groupings. There are data from twenty five states and Puerto Rico represented in the subteam database. In searching the database, Subteam 1 has not found any incinerators that do not meet the criteria of a Subteam 1 category but believe that some units are missing from the current list. A broader search of the incinerator data will be

carried out to try to find more Subteam 1 units. These information collection efforts may involve contacts to trade associations and equipment vendors. The subteam plans to share information with the Pharmaceutical Trade Association to verify the findings. In addition, the subteam may survey several veterinary schools and animal diagnostic centers.

Subteam 1 noted that most of the data on crematory, pathological and pharmaceutical incinerators lack information on the design and size of the equipment. The subteam also noted that data are lacking for certain categories of incinerators, such as larger animal crematories. The subteam hopes that the data collected from the ICCR will help to fill these data gaps. Subteam 1 has also observed a lack of emission data for its categories and suggested requesting funds for testing of crematory, pathological, and pharmaceutical incinerators.

Subteam 1 has developed initial subcategories based on crematory, pathological, and pharmaceutical groupings. The subteam expects to be able to present these subcategories as well as apparent data gaps at the Work Group meeting in July.

4.2.2 Subteam 2 Status Report

Bob Morris of The Coastal Corporation explained that Subteam 2 has queried the ICCR on four standard industrial classifications (SICs) for the petroleum and chemical industries (i.e., 13xx, 28xx, 29xx, and 30xx). The subteam is currently looking at flares and thermal oxidizers for all SICs and grouping flares according to the similarity of their gas streams. Metallic compounds and incinerators used for sludge drying and related off-gas combustion are also being considered. Subteam 2 is requesting toxic emission data that relates to flares from State air agencies in California and Texas.

Jeff Shumaker asked Subteam 2 if sludge from primary pulp/paper clarifiers is being considered by Subteam 2. Bob Morris responded that if this sludge varies significantly from other sludges, it makes sense for it to be handled by Subteam 3.

A copy of the Subteam 2 Status Report has been included as attachment 3.

4.2.3 Subteam 3 Status Report

Subteam 3 is investigating wood, wood products, and pulp/paper incinerators as well as various types of ovens. Jeff Shumaker of International Paper described the subteam's progress. The subteam has found the query process to be complicated by the broad category and the lack of available Access expertise. This subteam database currently includes many non-wood incinerators

and possible wood-burning boilers. Mr. Shumaker explained that because the subteam's review is based on a material burned (i.e., wood) and not the type of incinerator, determining the scope the subteam will use for investigation is difficult. The subteam expects the database to contain considerably fewer units once a line-by-line search and new queries are completed.

Subteam 3 commented that, although their ability to evaluate the proper categorization of incinerators is somewhat limited by a general lack of fuel data, the preliminary subcategories are the following:

- Unadulterated wood,
- Green wood,
- Chemically treated wood,
- Construction/demolition wood, and
- Other.

The subteam also stated that, although they do not expect to have scoping recommendations prepared for the Coordinating Committee meeting in July, they do expect to be prepared for such a presentation by the September Meeting.

Dave Maddox of Stanley Furniture Company, Inc. pointed out that an informal survey had been conducted and revealed only six incinerators in the furniture manufacturing industry. Three of these are used for fume control. Mr. Maddox suggested that the large number of wood incinerators in the database is due to the application of the term "wood" to many types of waste.

4.2.4 Subteam 4 Status Report

Andy Roth of Regional Air Pollution Control Agency (Dayton, Ohio) provided an update for Subteam 4, which is investigating metal industry incinerators. A copy of the subteam status report is included as attachment 4.

Mr. Roth outlined the various queries and hand-checks performed on the incinerator database to create a Subteam 4 database containing records related to metal, glass or tire incineration. Mr. Roth noted that 120 facilities which are indicated in the database as burning

metal were not sent the ICRs. He asked if it was possible to send surveys to these facilities. Fred Porter stated that additional ICRs could not be included in the first round of surveys, which were scheduled for mailing by June 7th. However, more surveys could be sent separately if necessary. Mr. Porter suggested that Mr. Roth work with Eastern Research Group to investigate why the facilities in question are not receiving a survey.

Subteam 4 had prepared a draft scoping recommendation to be presented to the Coordinating Committee in July and discussed this recommendation with the Work Group. Subteam 4 recommended that, based on the exemptions in section 129, metal burning units be excluded from examination under section 129 but may be examined under section 112. Based on comments received at the meeting on their approach, the subteam will revise its position paper on the handling of metal-burning in the ICCR for further consideration by the Work Group at its next meeting. A copy of the scoping recommendation has been included in attachment 6.

4.2.5 Subteam 5 Status Report

Subteam 5 is investigating fiberglass, concrete, and landfill gas incineration as well as municipal and municipal-type waste combustion. George Smith explained that the Subteam 5 database was being closely reviewed and a large number of units had already been identified for transfer to other Work Groups or other subteam categories. The preliminary results of Subteam 5's database review are included as attachment 5.

Andy Roth noted that Subteam 5's list contains many apartment incinerators and suggested that these may have been shut down. Many Work Group members agreed and stated that, based on their experience, most apartment incinerators have been taken out of service. It was suggested that Subteam 5 make calls to several States to confirm apartment incinerator closures.

George Smith asked if soil incineration (i.e., thermal desorption) equipment was similar enough to fume incineration that Subteam 2 might agree to consider soil incinerators during its initial review.

4.3 Summary of Landfill Emission Data

Ed Wheless and Frank Caponi of the Los Angeles County Sanitation District presented information on landfill regulations and landfill gas emission data. The purpose of this presentation

was to provide background information on flaring and to recommend that the flaring of landfill gas be investigated during the development of the Municipal Landfill MACT and not as part of the ICCR. Copies of the material used in these presentations are included as attachment 6.

During a discussion period following the presentations, Sandra Birckhead suggested that landfill flares, like thermal oxidizers, be given lower priority in the ICCR. Dick Van Frank responded that if the ICCR is going to consider regulation of IC engines, turbines, and other combustion units that are fueled by landfill gas, then flares should be considered as well. Ms. Birckhead responded that the use of landfill flares is often required by regulatory agencies and that the other combustion units mentioned by Mr. Van Frank are used by choice. Mr. Caponi suggested that regulating landfill flares may encourage facilities to stop using them altogether and result in an increase in emissions.

George Smith emphasized that the Landfill MACT will only consider air toxics emitted by the landfill, not by the landfill flare. Fred Porter added that, if the Work Group feels that EPA should consider flares in a forum other than the ICCR, the Work Group may recommend to EPA, through the Coordinating Committee, that landfill flares be considered elsewhere.

Mr. Van Frank suggested that California landfills may not be representative of landfills nationwide for several reasons. For example, California landfills may be drier than landfills in other regions of the country, and the extensive recycling programs throughout California may alter the composition of the landfill refuse and, therefore, the landfill gas. In addition, the well-designed flares used in California may be more efficient than those used elsewhere in the nation. Bob Morris commented that there is not necessarily a connection between the California data and landfill flare emissions nationwide. Ruth Mahr agreed that more data from diverse landfills are needed to make any recommendations concerning landfill flares. Jeff Shumaker also commented that, in his opinion, the concentration of halogenated compounds from landfill gas combustion units is not high. However, more data are necessary to verify the SWANA findings.

Andy Roth asked if there was any plan to resolve the issue surrounding the possibility of dioxin/furan emissions from landfill gas flares. Frank Caponi responded that he did not believe that flare emissions are a source of dioxin/furan emissions. Mr. Caponi attributed the belief that these emissions may be present in landfill gas flares to a paper by a German author, which

presents questionable data. He further stated that SWANA attempted to contact the authors of this paper to verify the data but has been unsuccessful.

Norman Morrow pointed out that there are two issues to be resolved regarding landfill gas flares. The first is whether flares should be regulated. The second is whether the ICCR is the proper forum for considering landfill gas flares for regulation. John Ramsey recommended that Subteam 5 continue discussing the issue of landfill flares and return to the Work Group with either a recommendation or fully formed majority and minority opinions. The Work Group agreed that Subteam 5 needs more time to review this issue.

The Work Group agreed that, in the meantime, Subteam 2 should draft a recommendation that non-halogenated, non-metal-containing flares be assigned a low priority in the ICCR. Subteam 2 agreed to complete a draft of flare handling recommendations by the week of June 23 and to distribute it to the Work Group in advance of the next meeting.

4.4 Discussion of "Solid Waste" Definition

Jeff Shumaker reviewed the creation of a subgroup by the Coordinating Committee at its May 21 meeting to recommend a procedure by which a definition of "solid waste" may be developed. John Ramsey questioned EPA's authority to develop a separate definition of "solid waste" for its air programs that differs from the RCRA definition of "solid waste." He emphasized that EPA should develop a definition that is consistent among all its programs. Fred Porter and Leslye Fraser reviewed that EPA has examined this matter in some detail. Mr. Porter offered to discuss specific issues with Work Group members outside of the Work Group meeting. He suggested a teleconference be arranged for this purpose.

5.0 ACTION ITEMS

The following action items will be conducted by members of the Work Group:

- Subteam 2 will redraft the Work Group position paper on flares and distribute it to the Work Group by June 23.
- Subteam 4 will revise its position paper on the handling of metal-burning incinerators and will distribute it the Work Group as soon as possible, but in advance of the July 15 meeting.

6.0 NEXT MEETINGS

The Work Group decided to schedule an additional conference call prior to the September 18 Work Group meeting. An October Work Group meeting was suggested and will be scheduled at a later date if the Work Group decides it is necessary. The Work Group decided to schedule its upcoming meetings as follows:

- July 15: Work Group meeting in Research Triangle Park, North Carolina, at EPA's ERC Annex; 9am - 4pm EDT
- July 30: Teleconference in response to the July 22/23 Coordinating Committee meeting; 11am - 2pm EDT
- September 3: Teleconference prior to September Coordinating Committee meeting; 11am-4pm EDT
- September 18: Work Group meeting in Research Triangle Park, North Carolina (to follow the Coordinating Committee meeting on September 16 and 17)
- September 18 or 19: Tour of GlaxoWellcome incinerators (contact Sandra Birckhead for details)
- November 20: Work Group meeting tentatively scheduled for Houston, Texas (to follow the Coordinating Committee meeting on November 18 and 19)

These minutes represent an accurate description of matters discussed and conclusions reached and include a copy of all reports received, issued, or approved at the June 4, 1997, meeting of the Incinerator Work Group. George Smith, EPA Co-chair.

ATTACHMENTS

Attachment 1: Draft Meeting Agenda

Attachment 2: Meeting Attenders

Attachment 3: Subteam 2 Status Report

Attachment 4: Subteam 5 Preliminary Results Handout

Attachment 5: Landfill Regulation and Emission Data Presentation Handouts

Attachment 6: Incinerator Work Group Subteam 4 Scoping Presentation Handouts

Attachment 1

Draft Meeting Agenda

Draft Meeting Agenda

June 4, 1997; 9am-4pm EDT

EPA's Environmental Research Center, Classroom 1;
Research Triangle Park, North Carolina

MAJOR MEETING GOALS

- Identify scoping issues from each subteam and decide what to present at the July Coordinating Committee meeting.
- Provide updates of subteams' progress on review of database and any conclusions drawn to date.
- Discuss availability of emission data for landfill gas flares and potential uses of these data for scoping purposes.

- | | |
|---------------|---|
| 9:00-9:20am | CONVENE (G. Smith)
WELCOME AND INTRODUCTIONS (J. Huyler)
- REVIEW OF MEETING GOALS (J. Shumaker)
- REVIEW OF MEETING AGENDA (G. Smith) |
| 9:20-9:45am | UPDATES
- 21 May CC meeting (J. Shumaker)
· CC subcommittee established to decide how to coordinate "solid waste" definition
- Other updates (Work Group member input) |
| 9:45-10:30am | SUBTEAM HUDDLE (a chance for the subteams to meet briefly in person and exchange information and materials) |
| 10:30-10:45am | BREAK |
| 10:45-11:45pm | SUBTEAM PROGRESS UPDATES (briefly, to provide updates on database review, to present a progress report, and to highlight scoping issues for discussion later on the agenda)

- Subteam 1 (P. Rahill)
- Subteam 2 (B. Morris)
- Subteam 3 (D. Marietta)
- Subteam 4 (A. Roth) |

Draft Meeting Agenda Continued:

- Subteam 5 (G. Smith)
- Discussion of subteam progress/effectiveness

11:45-12:45pm LUNCH

12:45-1:15pm SUMMARY OF LANDFILL GAS EMISSION DATA (E. Wheless)

1:15-1:45pm DISCUSSION OF LANDFILL GAS EMISSION DATA AND LANDFILL GAS SCOPING ISSUES

1:45-3:40pm TOPICS FOR JULY COORDINATING COMMITTEE MEETING
I) SCOPING ISSUES
- Flare position paper¹

2:00-2:15 BREAK

2:15-3:40pm TOPICS FOR JULY CC MEETING (continued)
I) SCOPING ISSUES (continued)
- Metal-burning units
ii) Source Category Subcategorizations
iii) "solid waste" Definition
iv) Other issues requiring CC decisions

3:40-3:45pm REMINDER OF UPCOMING MEETINGS
- July 15: Research Triangle Park, NC
- July 30: Conference Call
- September 18: Research Triangle Park, NC
- November 20: Houston, TX (tentative)

3:45-4:00pm APPROVAL OF FLASH MINUTES

4:00pm CLOSE (G. Smith)

¹The position paper on flares that was presented by the Scoping Subgroup at the March 11, 1997, Work Group meeting (draft-6.wpd) can be obtained from the TTN under the Miscellaneous Download Area of the Incinerator Work Group section of the ICCR web page.

Attachment 2

Meeting Attenders

Meeting Attenders

Name	Affiliation
Sandra Birckhead	Glaxo Wellcome
Michael Blumenthal	
Frank Caponi	Los Angeles County Sanitation District
Larry Faith	Shell Development Company
Leslye Fraser	U.S. EPA/OGC
John Huyler	The Keystone Center
Richard Krim	U.S. EPA/OGC
Dave Maddox	Stanley Furniture Company
Ruth Mahr	environmental interests
Norman Morrow	Exxon Chemical Americas
Bob Morris	The Coastal Corporation
Bill Perdue	Pulaski Furniture Corporation
Fred Porter	U.S. EPA/OAQPS
Susan Radomski	Eastern Research Group, Inc.
John Ramsey	Kansas Department of Health and Environment
Andrew Roth	Regional Air Pollution Control Agency (Dayton, Ohio)
Jeff Shumaker	International Paper
George Smith	U.S. EPA/OAQPS
Larry Thompson	Cornell University, College of Veterinary Medicine
Tom Tyler	Institute of Scrap Recycling Industries
Dick Van Frank	National Audubon Society
Tom Waddell	Eastern Research Group, Inc.
Ed Wheless	Los Angeles County Sanitation District
Chad White	Eastern Research Group, Inc.

Attachment 3

Subteam 2 Status Report

Material from the Subteam 2 Status Report

1. This subteam has now been charged with developing a paper regarding off-gas combustion (flares and thermal oxidizers) for all SIC groups and to make a presentation to the Coordinating committee in July. We will be looking for similar off-gases. We will start with the Tony Licata paper from Subteam 5
2. We have only been able to have one telephone conference on this issue (May 28, 1997). We have developed the following plan:
 - a. We will start with the existing flare write up.
 - b. Flares and incinerators are very similar in their purpose when dealing with gas streams.
 - c. Flares and incinerators used for the control of gaseous material are normally required by another MACT or NSPS standard and as such should be grouped with that MACT standard, if possible. The effects of the control device should have been considered in the MACT standard.
 - d. Offgases with halogenated and/or metallic compounds will have to be examined carefully. Sludge drying and offgases from sludge drying need to be examined, also. It should be noted that a significant portion of the flares that combust halogenated compounds are part of the vinyl chloride industry. These are specifically addressed in the HON. Examination of our current searches of the non-fossil/waste description field in the data base has not indicated that there are any flares used in this service. We will look at specific SCC codes to work this issue. We do not believe there is an issue with metals except possibly with mercury and we are currently working that issue.
3. We understand the TNRCC NSR and TARA group are currently looking at flares and flare combustion. There might be data from California. Does the workgroup have any other knowledge? Note, the TNRCC has representation on the Boiler and Process Heaters Workgroup.
4. Action items
 - a. RAM to distribute minutes from last conference call and this meeting out on 6/5/97.
 - b. RAM to send out queries as XL files named Process Gas and Process Gas Incinerator - 6/5/97
 - c. RAM to send out flare study from TNRCC
5. Schedule
 - a. Conference Call
 - i. 6/12/97, 1:00 PM CST, 1 ½ hours
 - ii. We are currently planning 8 lines (This will include the 3 subteam members plus Tony Licata and 3 spares - this can be increased)

- b. Meeting
 - i. 6/20/97, 9:00 AM at Exxon on Katy Freeway

We have scheduled a meeting of the workgroup for June 23 in Houston.
We will be looking at the entire database looking for gas streams.

Attachment 4

Material from Subteam 4 Scoping Issues Presentation and Status Report

Incinerator Work Group SUBTEAM 4 - Metals Incineration, **MEMO #4**

TO: Subteam Members

Brian Dittberner	phone (800) 999-0457	fax (913) 232-4218
Ross Ragland	phone (800) 999-0457	fax (913) 232-4218
Andy Roth	phone (937) 225-4118	fax (937) 225-3486
Tom Tyler	phone (202) 662-8516	fax (202) 626-0916

Stakeholder Co-Chair

Norm Morrow *w/o printout* phone (281) 870-6112 fax (281) 588-2522

EPA Co-Chair

George Smith *w/o printout* phone (919) 541-1549 fax (919) 541-5450

FROM: Andy Roth, Regional Air Pollution Control Agency, Dayton, Ohio

DATE: May 23, 1997

SUBJECT: Subteam 4 Incinerators and database ICCRV2.MDB

Gentlemen:

The purpose of this memo is to document changes in Subteam 4 mission and work-in-progress, and to request your assistance in reviewing a printout of a database table.

The last Subteam 4 memo (#3, dated April 11, 1997) listed as a future task incorporating states' databases into ICCRV1.MDB to allow a more comprehensive search for metals-related incinerators. This incorporation was done by ERG, and released on the TTNWeb as ICCRV2.MDB. The database is a monster - 120 Megabytes!! At any rate, I did a keyword search on the Combustor Description field using a total of 32 "like" keywords and 22 "not like" keywords. Subsequently, I employed the brute force and ignorance method to add certain records from Ross Ragland's previous work on INCINV1.MDB, and strike certain records that did not belong or were duplicates. This resulted in the tentative identification of 708 combustors (one line or record per combustor) as metals-, glass-, or tires-related across the country. Please note that glass- and tires-related incinerators were added to the Subteam 4 charge at the last Incinerator Work Group meeting on May 8.

Recently, ERG performed keyword searches on the Fuel/Waste Code field and the Non-Fossil/Waste Description field, and supplied that database to me via email. Comparisons of my table with 708 records with the ERG table indicated that 265 additional combustors were candidates for inclusion in the Subteam 4 list. These combustors were appended to the original table, resulting in a table with 973 combustors. A printout of that table is enclosed.

At this time I request that Subteam 4 members review the printout, marking the combustors that definitely do not belong on our list. I propose that we use the following scoping criteria:

1. Known shut down. (mark "SD")
2. Glass furnaces. I think we can contend that even if they combust waste, they are process heaters and can be handed over to the Process Heaters WG. (mark "PH")
3. Tire-fired boilers and process kilns. Hand over to Boilers or Process Heaters WGs. Tire pyrolyzers used to recover oil or carbon black I suggest we can classify as process heaters as well. It seems to me there just won't be a whole lot of glass- or tire-related incinerators out there. (mark "PH" or "B")
4. Known scrap metal recovery units or smelters. This refers to the exclusion under Section 129(g)(1)(A). I suggest that we preserve the distinction between scrap recovery and recovery of metal parts such as racks and armatures. (mark "SC")
5. Known duplicates. (mark all duplicate records "D")

If you have any questions or additions to these criteria, please let me know and I will get them to the rest of the Subteam 4 for discussion/consensus.

The time is short, but I would like to do something of a dry run of our Subteam 4 scoping presentation to the Incinerator Work Group at the meeting on June 4, so please take a look, mark as appropriate, and send the printouts back to me.

As a final note, using Access 2.0 I was able to compare the list of facilities that were mailed the initial Information Collection Request (ICR) to the facilities on the enclosed printout. Of the 758 facilities listed on the enclosed printout, 532 will receive the ICR. It will be interesting to determine the ICR mailing coverage of the Subteam 4 list after we complete our line-by-line review.



1325 G Street, NW, Suite 1000
Washington, DC 20005-3104

MEMORANDUM

To: George Smith, U.S. Environmental Protection Agency (EPA)
From: Tom Tyler, ISRI
Date: May 2, 1997
Re: Clean Air Act § 129 (g) (1)

Thank you for requesting this memorandum on § 129 (g) (1) of the Clean Air Act

Congressional intent to not regulate materials recovery facilities as “combustion of “solid waste”” is evident in the clear language of the Clean Air Act. Section 129 (g) (1) of the Clean Air Act reads:

(g) DEFINITIONS. -- For purposes of section 306 of the Clean Air Act Amendments of 1990 [federal procurement] and this section only --

(1) SOLID WASTE INCINERATION UNIT. -- The term “solid waste incineration unit” means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act [permits for treatment, storage, or disposal of hazardous waste]. The term “solid waste incineration unit” does not include (A) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals, (B) qualifying small power production facilities, ...[bolding added] 42 U.S.C.A. § 7429 (g) (1).

Congressional intent to distinguish recycling from disposal is clear.

Most recycling companies are small businesses. Congress probably considered the relatively small size of most secondary metals recovery units and did not wish to draw into new regulations those recycling units that would not otherwise be regulated as major sources. Units of such a size or emission volume to be “major sources” are, of

course, already regulated under the Clean Air Act, and the agency may regulate additional sources under § 111 in the future.

Perhaps more importantly, Congress probably excluded these facilities from § 129 because of the many environmental benefits of secondary metals recovery (recycling) -- benefits which are not provided by mere solid waste management. (See attached *Industry Profile*.)

In addition to language in section 129, Congress has repeatedly differentiated recycling from solid waste activities. Appropriately, federal regulations treat incineration, a step in disposal using combustion to reduce the volume or characteristics of waste, differently than recovery, which is the processing of a material that has been separated from the waste stream for use as a raw material in making a new product. For instance, EPA recently amended the definition of solid waste under the Resource Conservation and Recovery Act (RCRA) to exclude processed scrap metal from RCRA jurisdiction, including

“scrap metal which has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to scrap metal which has been ... chopped, ... cut, melted, or separated by metal type (i.e., sorted),” (Definition of Solid Waste, signed by Administrator Browner April 18, 1997, to be codified at 40 CFR Part 261.)

This definition includes many, if not all, of the commodities processed by materials recovery facilities using incineration to recover metals. “Scrap metal” is already defined under RCRA at 40 CFR § 261.1 (c) (6) as “bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire), or metal pieces ... , which when or superfluous can be recycled. [emphasis added]” This new amendment is EPA’s latest acknowledgment of the need to minimize regulatory impediments to recycling.

Conclusion

Section 129 and other laws reflect Congressional intent to not burden environmentally beneficial recycling when regulating waste management, while still allowing for control of air emissions from the largest sources involved in recycling. Considering this intent, and because the EPA does not have the authority to regulate secondary metal recovery facilities under § 129, it would be inappropriate and unproductive for the Industrial Combustion Coordinated Rulemaking (ICCR) group to prepare recommendations for the regulation of secondary metals recovery units at this time. Such recommendation would not create environmental benefits that are not available under the current regulations.

The ICCR should use limited resources wisely to help EPA meet its goals and mandates under the Clean Air Act, and should avoid actions that would be unhelpful and could lead to unnecessary, costly, and time-consuming disputes.

Attachment 5

Subteam 5 Data Review Handout

PRELIMINARY RESULTS OF SUBTEAM 5 DATA REVIEW

Based on the Subteam 5 data review conducted by Tony Licata, John Ramsey, and ERG, the following observations were made:

- * The MS Access queries missed some records that should be reviewed by Subteam 1. These records either contained “small MWC/medical/dental” in the “plant description” field or had a Subteam 1 keyword in the “plant name” field, which was not originally queried. These records will be identified and given to Subteam 1.
- * Municipal sewage sludge incinerators, hazardous waste combustors, and “large” MWCs should be removed from the ICCR database because they are covered by other rules.
- * Records that make reference to boilers or powerhouses should be transferred to the Boiler Work Group.
- * Many incinerators affiliated with the food industry (e.g., coffee production) were identified as fume incinerators, which are being addressed by Subteam 2. These records should be given to that Subteam for review.
- * The Subteam 5 data included a number of incinerators located at nursing homes. It was suggested that these records might be more appropriate for Subteam 1. However, consensus seems to be that these incinerators are more likely to be garbage burners than pathological/medical incinerators. The inclusion of incinerators at nursing homes with small MWCs is open to discussion.
- * Another topic to be discussed is the handling of soil treatment plants. Any soil treatment incinerators burning hazardous waste will not be considered for regulation under section 129. However, based on the expertise on the various subteams, does it make sense for a subteam other than Subteam 5 to investigate soil treatment incinerators?

Status of Subteam 5 Review of Potential Subcategories

Potential Subcategories	Status of Review
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Landfill Gas Flares	Recommend further investigation and consideration by Subteam 5 and the Work Group; in the interim, recommend that the position paper on the handling of flares in the ICCR be revised to remove references to landfill gas flares; Subteam 5 intends to investigate and consider whether landfill gas sent to flares contains a significant composition of metallic and/or halogenated compounds for priority consideration in the ICCR.
Soil Treatment Incins.	No recommendation at this time; the subteam asks the Work Group to consider which subteam has the most expertise for examination of soil treatment incinerators.
Agricultural Incinerators	No recommendation at this time; waiting to review data from the ICCR database and issues of any definitional overlap between “open burning” and “air curtain incinerator” to be resolved.
Fiberglass Incinerators	No recommendation at this time; waiting to review data from the ICCR database once partitioning is completed.
Concrete Incinerators	No recommendation at this time; waiting to review data from the ICCR database once partitioning is completed.
Small MWCs	No recommendation at this time; waiting to review data from the ICCR database once partitioning is completed.

Attachment 6

Material Landfill Data Presentation by SWANA

The materials distributed in conjunction with this presentation are not available electronically in WordPerfect format. However, hard copies are also available from the EPA docket.